

DETAILED REMARKS

The OA states: "Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,784,507 to Wallace et al.", and: "regarding claims 6 and 7, as the claims do not specify a material of the "interlayer," the germanate structure of Wallace et al. may be considered comprised of an upper layer greater than 6 nm thick and a lower layer less than 1 nm thick."

Applicant respectfully suggests that Wallace et al. did not teach nor even hint at the use, or usefulness, of interlayers. The OA does not dispute this point, however, from the OA statements it is also clear that the OA interpreted claims 6 and 7 in a manner very differently than applicant intended. Accordingly, applicant amended claim 1 to a layer of germanate material, incorporated the interlayer element of claim 6, and added additional language to more explicitly express the invention of the present application. Claim 6 has been cancelled.

Applicant respectfully suggests that the figures and the specification language indicate a very different claim language interpretation for claims 6 and 7 from that of the OA. Fig. 2 of the application shows the interlayer element 210 as a distinct and separate layer. The specification from line 16 on page 8 until line 1 on page 9 discusses the purpose and the materials used for the interlayer, which interlayer does not comprise a germanate material. The specification also incorporated by reference US Pat. No.: 6,444,592, which provides more detailed background information for some interlayers. Accordingly, in addition to incorporating into claim 1 the element of the interlayer, applicant also explicitly limited the interlayer material to be either an oxide or an oxynitride. Oxide and oxynitride are explicitly stated as suitable for interlayer material on page 8 line 20 of the specification.

The limitation of claim 2 has been incorporated into claim 1, and claim 2 cancelled. Claim 8 has also been cancelled. Other claims depending on claim 1 are either original, or have been amended for formal reasons.

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Independent claim 26 has been amended to be in accord with amended claim 1.

Claims 15. - 25. have been cancelled as per election on 03/26/2005.

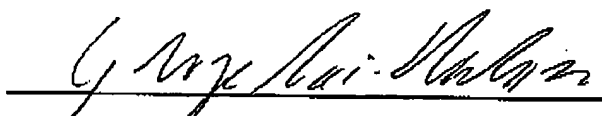
Applicant would respectfully suggest that amended claims 1 and 26 are now patentable over Wallace et al., and over the other references made of record by the OA. Furthermore, applicant respectfully contends that if claims 1 and 26 are patentable, then the dependent claims of this amendment, by introducing further limitations to claims 1 and 26, are a fortiori patentable.

CLOSING STATEMENT

Applicant respectfully submits that as expressed in this amendment the rejections of the OA have been overcome, and the application now claims only patentable subject matter.

Applicant submits that this application is now in condition for allowance, which action is respectfully requested.

Respectfully,



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